

# CHRB NEWS & REVIEW

NEWSLETTER OF THE CALIFORNIA HORSE RACING BOARD

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## SHERYL GRANZELLA: RIGHT PERSON, PLACE & TIME

Things change.

Four of the major racing associations in California have changed ownership in the last two years, and now Frank Stronach's western racing empire extends from Santa Anita in the south to Golden Gate Fields in the north, with plans to move the Bay Meadows operation inland to Dixon.

Suddenly, horse racing in Northern California is back in the spotlight after years of languishing behind the more successful southern circuit.

Sheryl Granzella finds herself right in the middle of all this activity – in more



**SHERYL GRANZELLA**

ways than one.

Geographically, her executive office at the Richmond Sanitary Service northeast of Albany places her between Golden Gate Fields and the proposed racetrack in Dixon – with just another 20-minute drive beyond to the State Capitol. She's also close to most of the northern racing fair venues, including Cal Expo.

Governor Gray Davis appointed Granzella to the California Horse Racing Board last October. Her position

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## MESSAGE FROM THE EXECUTIVE DIRECTOR

**A** good system just became better. I am referring to the CHRB's equine drug-testing program.

For the last decade, we have simultaneously utilized two different laboratories to test for the presence of prohibited substances in urine and blood samples taken from horses immediately after they raced.

Truesdail Laboratories in Tustin, California, has performed the primary testing of most of the samples, while various other highly qualified laboratories around the country have provided complementary testing services. The CHRB has been extremely satisfied with these services, as we have had one of the finest drug-testing programs in the world.

Meanwhile, under a state law authored by the late Senator Ken Maddy, a portion of the pari-mutuel tax has been going to the University of California at Davis for the development, construction, and operation of a new equine testing and research laboratory.

That new laboratory – appropriately named the Kenneth L. Maddy Equine Analytical Chemistry Laboratory – opened its doors July 1 and began performing complementary testing for the CHRB.

The complementary laboratory performs the rigorous testing of about 33 percent of the samples taken from California racehorses. That percentage might increase in the future.

The Maddy laboratory is run by two of the most respected people in their profession – Drs. Scott Stanley and Cynthia Kollias-Baker – and equipped with the most advanced technology available. It is part of the university's California Animal Health and Food Safety Laboratory System, which also provides the CHRB's Equine Post-Mortem Program and the services of the Board's equine medical director.

The new testing puts all of these services under one roof, so to speak, allowing for greater interaction between the various programs. Most importantly, it assures the public and the racing community that our testing program is second to none, and provides regulators with the tools we need to guarantee the integrity of horse racing in California.

*Roy C. Wood, Jr.*  
Roy C. Wood, Jr.



## IN THE GOLDEN STATE

### Chairman Tourtelot Spreads the Word About California Programs

*CHRB Chairman Robert Tourtelot addressed his colleagues during the annual convention of the Association of Racing Commissioners International on subjects relating to the integrity of racing. His condensed speech is reprinted below.*

For my wife Susan and I, this is our first RCI convention.

It's a thrilling experience for us to be a part of a group that cares so much about the wonderful Sport of Kings – about improving the integrity of the horse-racing industry, which is one of our main tasks as regulators. I am honored to be able to address you this morning on the topic of zero tolerance and the trainer's absolute insurer rule.

When I was first appointed to the California Horse Racing Board, I spoke frequently with the noted orthopedic surgeon Dr. Robert Kerlan, who treated the jockeys and knew as much about horse racing as anyone I've ever met. He suggested that I pay some attention to medication in racehorses. He thought it was one of the most important things that I could devote myself to while on the Board. I would often sit for two or three hours at a time with him, talking about medication.

Although I am chairman of the California Horse Racing Board, I don't consider myself to be an expert, by any means, on the subject of drugs and medication relating to horse racing. I'm a student, not a professor, but I think that over the last six years, I've become a pretty good student. I've had some good help from Dr. Ron Jensen and Roy Wood.

#### **ZERO TOLERANCE IN CALIFORNIA**

Zero tolerance. These two words disturb the relatively few individuals within the horse-racing industry who try to cheat the system and cheat the public by illegally administering prohibited drugs that have the potential to affect the outcome of races.

They should be terrified, because a zero-tolerance policy:

- when empowered by well-crafted laws and regulations;
- when supported by an efficient and trustworthy drug-testing program;

- when backed by knowledgeable racing commissioners and their staffs;

- when competently presented at administrative hearings;

- together with tough penalties and guidelines established to assist the stewards and administrative law judges in disciplinary proceedings;

can result in severe punishment, heavy fines, suspensions, loss of license – potentially severe enough to make just about anyone stop and think and wonder if there's enough to be gained by an illegal act to justify this risk.

#### **PROPER EVIDENCE ESSENTIAL**

To backtrack for just a moment, regarding the presentation of evidence at administrative hearings, it's very important that the attorneys and stewards present the evidence properly, because the accused will have competent attorneys who will take advantage of any shortcomings, and the administrative law judge that reviews the hearing, or the Superior Court, will recognize the shortcomings, generally.

I think we will see the day in a not-too-distant future when a Class 1, 2, or 3 drug violation will be an extreme rarity. However, when I was a freshman at law school in San Francisco, there was a famous trial attorney, Jake Erlich, who was probably one of the preeminent criminal lawyers of the day, who spoke to the freshman class, and he said – and I'll never forget this – that if we were to invoke the death penalty for speeding on the Bay Shore Freeway, there would be people out there speeding the next day. In other words, there will be people, regardless of what we do, who will test the system continually. Fortunately, we think we have some answers for them.

The words zero tolerance also frighten the multitude of

honest and well-meaning owners, trainers, veterinarians, and other racing personnel who simply are trying to do the best thing for the horse by providing the animal with legitimate, beneficial, therapeutic medications – not in order to influence the outcome of a race, but to help give the horse the benefit of legitimate therapeutic medication necessary for horses in racing and training.

These honest individuals worry that a zero-tolerance policy will snare them in the same net as the cheaters. They fear that modern, sophisticated drug-testing procedures will detect trace amounts of drug substances, miniscule amounts that might be residues of medications that were properly given within established timeframes, or might be contaminants from sources outside their control.

They also are concerned about the absolute insurer rule, which makes them responsible for the condition of horses under their control, and which holds them ultimately accountable, again perhaps for things that they feel might be outside of their control.

## **MUST BALANCE MANY INTERESTS**

And that brings us to what I consider to be the most important duty of racing commissioners, of regulators everywhere, that is facing all of us: to the obligation of protecting the public; of guaranteeing the honesty and integrity of horse racing; of establishing a level playing field for everyone in racing; of promoting regulations and programs to protect the health and safety of horses and other racing participants; while protecting the rights and freedoms of those who sim-

ply are trying to do the right thing for their horses and their own livelihoods.

Zero tolerance; the absolute insurer rule (sometimes called the trainer insurer rule); mitigating circumstances; therapeutic medications; administrative decision levels; pre-race drug testing; drug classifications; penalty guidelines: These are all part of the mix, all part of our efforts to balance our dual responsibilities of protecting the public and protecting the individual. These things are the heart and substance of my presentation to you today. And it is the difficult challenge to all regulators.

## **ONE IN A THOUSAND**

First, let's establish the scope of the underlying problem of using illegal drug substances to improperly influence the outcome of races. In California over the last six years, we have detected Class 1, 2, or 3 drug substances in only 102 urine specimens. We took 100,697 urine samples during those six years, which translates to a serious positive in just one-tenth of one percent of the samples. In my view, even that low figure represents too much.

By Class 1, 2, or 3 drugs, I mean those substances that are listed in the top categories of our seven-tier drug classification system. The higher the class, the more potential the drug has to have a pharmacological effect on the horse that could alter the outcome of a race. For the most part, California classifications are similar to RCI classifications for 1, 2, and 3.

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## **International Racing Executives Name Wood for Top Award**

Roy Wood, executive director of the CHRB, received the prestigious Len Foote Award during the annual convention of the Association of Racing Commissioners International.

Wood was selected by his peers to receive the award, which is given each year to the executive director of a racing commission who best demonstrates the attributes of leadership and achievement that typified the person for whom the award is named.

Interestingly, Foote also served as executive director for the CHRB, or as the position was then known, as executive secretary. He retired from the Board in 1989. Wood is the first California official to win the award.

Wood came to the CHRB in 1994 after serving as an executive for the racing commissions in Texas and Louisiana. He previously served as a steward, and before that he had hands-on experience with horses, including several years as a thoroughbred trainer.

## **CALENDAR**

### **AUGUST**

- 9 – Fair meet opens in San Mateo.**
- 10 – Fair meet opens in Ferndale.**
- 23 – Cal Expo meet opens in Sacramento.**
- 25 – CHRB monthly meeting in Del Mar**

### **SEPTEMBER**

- 1 – Thoroughbred meet opens at Bay Meadows.**
- 14 – Fairplex meet opens in Pomona.**
- 29 – CHRB monthly meeting in Pomona.**

### **OCTOBER**

- 4 – Oak Tree meet opens at Santa Anita Park.**
- 4 – Fair meet opens in Fresno.**
- 13 – Harness meet opens in Sacramento.**
- 27 – CHRB monthly meeting in Arcadia.**
- 28 – California Cup at Santa Anita Park.**

# THE EQUINE PRESCRIPTION

**FROM THE DESK OF THE CHRB  
EQUINE MEDICAL DIRECTOR**



**DR. RON JENSEN**

The Kenneth L. Maddy Equine Analytical Laboratory at UC Davis began acting as a complementary drug-testing laboratory for the California Horse Racing Board (CHRB) on July 1, 2000. The primary function of the Maddy Lab is to perform drug testing on samples collected at California race-tracks. In addition to the routine testing, this laboratory has an important research component directed by Dr. Cindy Kollias-Baker.

The research that Dr. Kollias-Baker and her colleagues will be conducting will be in three major areas: method development, the effect of medications on horses, and pharmacokinetic studies.

Method development will involve developing new and more sensitive testing techniques for drugs of abuse. It also includes developing improved tests for drugs that are presently difficult to detect.

The research designed to study the effects that medications have on horses is important to our understanding of not only the therapeutic benefits of the medication being studied, but also to try to determine the long-term effects of the medication.

The pharmacokinetic research studies how drugs move through the body – that is, how much of the drug is absorbed after it has been administered to the horse, how the drug is then delivered to the organ or organ systems that the drug is to affect, and how long it takes to achieve maximum effect?

This research also studies how the drug being studied is metabolized and how the drug is excreted. Some drugs are extensively metabolized, meaning that very little of the drug is excreted in its original form, so detection of the drug has to be done by identifying the metabolites produced from the original compound. It is also important in a racing situation to understand the time necessary for the drug and its metabolites to be eliminated from the body, so this also will be addressed in this type of research.

Much of the research that is to be conducted at the Maddy Lab will be done utilizing fit horses. Dr. Kollias-Baker and her staff have developed a “fit-horse herd” comprised of horses that are conditioned both on the treadmill and by being ridden by exercise riders.

This is an important part of the research because it has been demonstrated that exercised horses may metabolize

drugs differently, and often produce a more acidic urine than horses at rest. Some, but not all, drugs are excreted differently in acidic urine. Since the horses that will undergo post-race drug testing will be fit and exercised, it is advantageous to use fit and exercised horses for this research.

One of the first research projects to be undertaken by the Maddy Lab will be a study on procaine penicillin. Penicillin is a very effective antibiotic in the treatment of many bacterial infections of the horse. Procaine, which is a local anesthetic, is added to the penicillin to decrease the pain of the injection and to delay the absorption of the penicillin, which allows for a 12-hour dosing interval to maintain therapeutic serum concentrations of penicillin. Unfortunately, this delayed absorption leads to a prolonged excretion of the procaine. The detection of procaine in an amount over the CHRB decision level of 10 ng/ml in a post-race urine sample can cause a severe penalty to the trainer of the horse and the loss of the purse. Therefore, it is recommended that a horse treated with procaine penicillin be withheld from racing for as long as 30 days.

Most studies on procaine penicillin have been done using sedentary horses at rest. Preliminary studies at the Maddy Lab have shown that procaine is excreted more rapidly in fit, exercised horses than in sedentary horses. In this study, six fit and exercised horses and six sedentary horses will be given procaine penicillin, intramuscularly, twice a day, at a dose of 20,000 IU/kg for five days. Samples will be collected for 30 days and analyzed to determine how many days are required for the urine concentration of procaine to drop below the 10 ng/ml decision level. If the results indicated that procaine is excreted faster in fit and conditioned horses, as was shown in the preliminary study, a shorter withdrawal time for the drug may be possible. This in turn may allow the veterinary practitioner to use procaine penicillin more frequently in treating bacterial infections than is the current practice.

This important research is partially funded by the CHRB.





# BE OUR GUEST...



**The California Horse Racing Board believes the best way to regulate an industry is to be fully informed. The CHRB regularly solicits input from the public and the horse-racing industry, and this guest editorial page is one more forum for that purpose.**

*This guest editorial is provided by Dr. Scott Stanley, assistant professor of equine chemistry at UC Davis, who left a top position at Truesdail Laboratories in order to help develop and run the new Ken Maddy laboratory on the Northern California campus.*

For anyone who grew up in central Kentucky, the first Friday in April designates the start of the racing season better known as opening day at Keeneland. Since I recently learned of the retirement of my former principal at Woodford County High School, I am no longer afraid to admit that I missed classes on many Keeneland openers. However, I'd like to believe that these experiences are the motivation that led me to pursue a career that helps protect the integrity of the "Sport of Kings."

Testing for drugs in the equine athlete is a long-established procedure dating as far back as the turn of the century. What you may not know is that the industry employs some of the most sophisticated analytical techniques available to ensure this sport's integrity. Laboratories that perform post-race urine analysis for the regulating bodies use advanced chromatographic techniques to look for hundreds of drugs in every sample.

The Kenneth L. Maddy Equine Analytical Chemistry Laboratory at UC Davis is a new addition to the existing California Animal Health and Food Safety Laboratory System. The facility is named for the late Senator Kenneth Maddy, an avid horseman and longtime supporter of the School of Veterinary Medicine. The program funding comes from legislation created and sponsored by Senator Maddy. The funding has enabled the Maddy Lab to implement a state-of-the-art instrumental drug-testing program.

Rapid advances in the field of analytical chemistry have led to the establishment of gas and liquid chromatography as the optimum tool for problem solving in racing chemistry. The technology employed by the Maddy Lab

has resulted in substantial increases in the sensitivity of testing when screening with either gas or liquid chromatography, combined with mass spectrometry, compared to the thin-layer chromatography (TLC) procedures that have been the mainstay of equine forensic testing for over 20 years.

The sensitivity of this equipment has increased dramatically due to innovative design changes. The mass spectrometer detects ions (small fragments of the drug molecule) with such efficiency that we are able to detect drugs in the range of one-part-per billion. That amount is equivalent to about two inches of the earth's circumference, or two seconds in the average lifetime. Is testing to that degree really necessary? A primary part of the success of drug programs is deterrence – just the existence of tests will scare off most of the would-be cheaters.

However, the drug-testing program does not end after a "positive" finding. A key strategy for the Maddy Lab is the union between analytical chemistry and equine pharmacology. As drug-testing technology advances, new problems are uncovered. For instance, how much drug in a horse's system is significant? What are possible sources of that drug? Can we prove that the drug was in the horse's system at the time of the race? What is the clearance time for a drug to completely leave the horse's system? Would the level found have any effect on the horse's performance? The black-and-white issues are becoming grayer every day. The only way to unravel the web of controversy with regard to drug-testing findings is to continually perform cutting-edge research, and that is

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# MADDY LAB OPENS FOR BUSINESS



*Legislation authored by the late Senator Ken Maddy provided funding through the pari-mutuel tax for the development and operation of a state-of-the-art equine drug-testing and research laboratory on the University of California at Davis campus. The lab opened for business on July 1 and began processing equine blood and urine samples for the CHRB.*

**PROTECTING THE CHAIN OF CUSTODY** – For legal purposes and for the protection of individuals, authorities follow strict procedures to ensure that samples are properly identified, secured, and transported under lock and key to the laboratory. Sample custodian Kris Lomas begins each workday

by opening the sealed containers containing blood and urine samples taken from horses at racetracks throughout the state. She logs them in, then carefully takes two separate aliquots (portions) of the original samples for processing before storing the remainder in a secure location.



# ON CAMPUS AT UC DAVIS

**ONE STEP AHEAD** – One difference between the Maddy laboratory and some of the more traditional testing laboratories is its use of instrumental screening. Depending on the chemical composition of various drugs, they can be tested in either a gaseous form or as a liquid, in the latter case utilizing Liquid Chromatography Mass Spectrometry. LCMS technician Dan McKemie is pictured to the right processing samples for drugs that are largely acidic or neutral, such as corticosteroids.



**STRICTLY HIGH TECH** – Even the more traditional immunoassay method of testing has a modern spin at the Maddy Laboratory utilizing the Tecan automated processor. Janine White, a doctor of veterinary medicine who works as an immunoassay technician, is pictured below inserting samples into the Tecan, which will automatically move the samples through various stages of incubation, washing, and recording.



**IS IT SCREENING OR CONFIRMATION?** – It's largely a matter of degree utilizing gas chromatography mass spectrometry. Using one set of procedures and settings, GCMS technician Mike Filigenzi (below) can perform instrumental screening for basic drugs. But once a drug is identified, and using an identical but different machine to avoid contamination, he can perform a much more in-depth confirmation test to pinpoint the drug and provide legal documentation to support the findings.



as a racing commissioner gives her a strong voice on the course of horse racing in this state. She is very much a part of the industry's future.

And her background makes her part of racing's past, providing her with the knowledge and respect she will need to make important decisions. Though not an industry insider, Granzella has participated in the sport through her father, Richard Granzella, who co-owned many important racehorses, including 1987 Santa Anita Derby winner Temperate Sil and local hero Billy Ball, who won 3-year-old stakes races in Northern California in 1983.

## MET WITH STRONACH

With so much taking place right in her own backyard, Granzella seems perfectly positioned to meet the challenge of regulating an industry with a \$4 billion annual impact on the California economy. This point was driven home recently when she received a telephone call from Stronach inviting her to lunch with another racing commissioner, Marie Moretti, and several industry leaders in Northern California.

"We met at Golden Gate Fields, where Mr. Stronach outlined his plan for developing an entertainment center along the shoreline (of San Francisco Bay) next to the racetrack," she explained. "He also mentioned his plan to build a race-track in Dixon.

"It was all very impressive and encouraging for those of us who want to preserve horse racing in Northern California. We've all seen the decline in attendance, the direction that racing has been going. Now along comes someone like Stronach with the wealth and the interest and the commitment to help turn the tide in a more positive direction."

Granzella has spent most of her life in the Bay Area. The native of western Contra Costa County graduated from Holy Names High School, then attended Contra Costa Community College and the University of Nevada in Reno before finally graduating from St. Mary's College with a bachelor's degree in economics and business administration.

Following her graduation, she became special projects manager for Richmond Sanitary Service, one of the largest privately held companies in Northern California, which provides waste collection and recycling services to communities throughout west Contra Costa and Solano Counties, and operates landfills and recycling centers. Working closely with her father, president of the company, she serves as a liaison with local businesses, community leaders, and elected officials. This gives her a strong foundation for the highly political arena of horse racing.

"Our business is regulated in one way or another by about 36 local, state, and federal agencies, so we have to stay in contact and remain environmentally compliant with practically everybody in the whole world," she explained. "That's

"I welcome ideas from anyone on these very important issues. I'm always open to good ideas."

Sheryl Granzella

principally my job. I have lots of phone calls, lots of lunches, lots of dinners, lots of meetings. It's a very political business."

Granzella also is actively involved in community service. She is a director of the Contra Costa College Foundation, Salesian Boys and Girls Club, San Pablo Chamber of Commerce, and San Pablo Community Foundation. She received the Don Bosco Award in 1992 for her dedication to the Salesian Boys and Girls Club, and was recognized as a Woman of Distinction in 1994 by Soroptimist International. And recently the West County Business and Professional Association named her Woman of the Year.

"We raised \$360,000 through the Contra Costa College Foundation for scholarships for qualified students with financial needs," she explained. "Governor Davis came down and spoke at the presentation ceremony. Education is something we are both extremely interested in."

Granzella has three children – Carla, Jonathan, and Angela Peralta – whom she describes as "a vital part of my life."

## SITS ON MEDICATION COMMITTEE

Granzella sits on some of the Board's most important committees, including the Medication Committee, which deals with drug testing and other matters with a direct impact on the integrity of racing.

"This has been a learning period for me, but thankfully we have a knowledgeable equine medical director, Dr. Ron Jensen, who along with (Executive Director) Roy Wood, has given me the background on medication issues that I need to make informed decisions," she explained.

Granzella anticipates getting more involved in labor issues, especially those relating to the health, housing, and working conditions of employees in the stable area.

"I welcome ideas from anyone on these very important issues," she said. "I'm always open to good ideas."





So you see, we aren't talking about a lot of serious cheaters out there, even though the rumors would have you believe the opposite – rumors that are fueled by naysayers and the media. On the other hand, even one such case is unacceptable. It creates a blight on the image of the horse-racing industry, and it fosters the mistaken perception in the general public that horse racing is not on the level. So, as regulators, we must do what we can to improve that public perception by establishing tough programs to protect the integrity of horse racing.

“Our public, our industry, and our lawmakers demand ethical conduct in horse racing. We simply cannot and will not tolerate cheaters. We cannot permit the slow erosion of public confidence in the integrity of our sport.”

Robert Tourtelot

We believe we have done this in California. And a lot of the credit must go to our executive director, Roy Wood, who six years ago, when he became executive director, immediately set out to establish a program called Integrity of Racing, of which you've all heard about. We haven't eliminated the perception by any means, but I believe that we're making a good run at it. Zero tolerance and the trainer insurer rule form the foundation of this program.

## IN STEP WITH OTHER COMMISSIONS

Zero tolerance is the position of the California Horse Racing Board when it comes to blood and urine samples taken after a race containing a prohibited substance. This is also the position of most of your commissions throughout the country. In fact, Article 6 of the International Agreement on Breeding and Racing requires zero tolerance and the disqualification of the horse that tests positive for any prohibited substance.

So, the zero-tolerance policy is far from unique in California. It is the norm in most of our jurisdictions, and rightfully so. Our public, our industry, and our lawmakers demand ethical conduct in horse racing. We simply cannot and will not tolerate cheaters. We cannot permit the slow erosion of public confidence in the integrity of our sport.

The trainer insurer rule gives us the leverage we require to enforce zero tolerance. If the sample comes up positive, who did it? How did it happen? We can't always tell. Seldom is

anyone caught red-handed. And never, in my experience, has anyone come forward and admitted that they injected the horse with the prohibited substance. So, usually, our only recourse is to hold the trainer of the horse accountable. Is that always fair? Obviously not. But until someone comes up with a better system, it's the best we've got. Someone must be held responsible, and the trainer is that person.

The trainer insurer rule is perfectly legal. It has been upheld in court after court. And for the most part, it works. It prompts horsemen to put the necessary effort into following proper procedures, complying with regulations, and establishing strong security measures in their shedrows.

## PRE-RACE TESTING OPPORTUNITY

As I stated previously, we also are obligated to protect the rights and freedoms of those who simply are trying to do the right thing for their horses and their own livelihoods. One thing that we've done is establish a pre-race testing program for therapeutic medications. This allows owners, trainers, and veterinarians to submit – at their own expense – urine samples to the Board's approved official laboratory for pre-race testing for specified medications. If they get a positive, their only problem is to scratch the horse, but at least it saves them from what would happen if the horse raced, then a positive turned up afterwards. So, by following the required procedures, horsemen can receive a laboratory report advising them whether a certain medication is present.

## POLICY PROTECTS HORSEMEN

We also have in place some protective measures for horsemen who are accused of violating the medication rules for horses in their care. This defense to the trainer insurer rule has been in place for a long time, but in California we took the extra step a few years ago of clearly delineating and publicizing this defense in the form of a policy dealing with mitigating circumstances in defense of the trainer insurer rule – a

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report any violations.*

policy we are now in the process of writing in rule form. It's a difficult task, but we're going to do it.

The purpose of our policy is to provide guidelines for the stewards in adjudicating cases where mitigating circumstances are found to exist. This policy permits the imposition of lesser penalties in cases where mitigating circumstances are found, recognizes in regulatory form that legitimate veterinary therapy is necessary for the health and welfare of horses, and clarifies our regulations in respect to the presence of listed therapeutic substances in post-race urine test samples, within specified limits.

## **BURDEN OF PROOF ON LICENSEE**

Under our regulations and policies, the burden of producing evidence of mitigating circumstances falls on the accused licensee. In one scenario, mitigating circumstances would be found to exist if the accused showed by a preponderance of evidence at a hearing, to the satisfaction of the stewards, that the presence of the drug substance resulted from accidental environmental contamination of feed or other substances present in the horse's surroundings, unless the contamination could have been prevented had reasonable precautions been taken by the accused.

Another mitigating circumstance would be, again with sufficient strong evidence to convince the stewards, that the positive was a result of third-party tampering, again provided that the accused could not reasonably have been expected to prevent this third-party tampering.

Perhaps the most important mitigating circumstance deals with residue levels of specific therapeutic medications administered under the direction or prescription of a licensed veterinarian. And this brings me to the related subject of what our rules allow in terms of the medical treatment of horses entered into races, and what we might loosely describe as exceptions to the zero-tolerance rule as they relate to bona fide, legitimate, therapeutic medications.

## **THERAPEUTIC MEDS PERMITTED**

We allow the presence of a defined level of one of three non-steroidal anti-inflammatory substances, such as Bute, Flunixin, or Ketoprofen. We allow the use of furosemide in the treatment of EIPH, or internal bleeding, within clearly defined limits and applications. We permit the administration of anti-ulcer medications up until 24 hours before post time. And here's where we clearly depart from so many of your jurisdictions. We have established decision levels, or threshold levels, for eight therapeutic medications that are routinely used in the proper treatment of horses.

This rule recognizes that certain, very proper medications might leave residues at levels below recognized pharmacological activity. In other words, we don't call a positive for certain medications at levels at which the medication is generally not accepted as having pharmacological activity that

**"This rule recognizes that certain, very proper medications might leave residues at levels below recognized pharmacological activity."**

**Robert Tourtelot**

might affect athletic performance. We're talking about therapeutic medications like albuterol, promazine, and atropine, which are commonly used in maintaining the proper health care of horses.

Believe me, we didn't establish these relatively few, and very specific, decision levels in a light or casual manner. We acted on the best scientific evidence available, presented to us from a variety of sources and adequately explained by our executive staff and our equine medical director, which is a position that I might take a moment to explain.

## **UC DAVIS PROVIDES ASSISTANCE**

In California, we entered into an agreement with the University of California at Davis to utilize the services of a member of their staff at the School of Veterinary Medicine – to advise us and help us on an ongoing basis in our understanding of veterinary practices and our regulation of the industry as it relates to medicine and drug testing.

So, utilizing the expertise of our equine medical director, who interacts with other scientists at Davis, we reviewed the scientific evidence and felt comfortable establishing decision levels for these specific therapeutic medications. And in that connection, I would like to note that our distinguished Dr. Ron Jensen has been a vital part of our program in California, and we owe a great debt of gratitude for everything that he has done in California with respect to our program of integrity in racing, and for what he's done for racing in general. We're very proud of him. I'm glad he's in California.

## **SOUND RESEARCH A MUST**

Our work is not finished. We are constantly analyzing the need to expand or modify this list, based on the most current scientific evidence, but again, the process is slow, deliberate, and the criteria are stringent. Anecdotal tales, stories, and personal experiences are not sufficient to establish tolerance levels. When we speak about good, scientific evidence, we're talking about sound, proven, scientific procedures: research done in a scientifically sound manner, involving statistical analyses, proper numbers, proper models, with results that are statistically significant.

The bottom line is that the California Horse Racing Board is more than willing to consider tolerance levels for addi-

tional therapeutic medications, but only if the scientific evidence clearly establishes that they are the correct levels. The California Horse Racing Board encourages such research. In fact, we have sponsored research at UC Davis on withdrawal times of certain therapeutic medications, including methocarbamol, which is a muscle relaxant, and Pyrimethamine and certain sulfa drugs, which are used in the treatment of equine protozoal myeloencephalitis. But again, until the results of the research indicate that these medications have very little potential to affect the outcome of a race at certain levels, we cannot responsibly permit them in the horse during a race at any level. That's zero tolerance.

Like the trainer insurer rule, zero tolerance is not a perfect system. But again, until something better comes along to re-

place it, zero tolerance, with certain exceptions for specific therapeutic medications, is the best way we have of protecting the integrity of horse racing.

I'll ask the question, where do we go from here? Well, let me tell you that in California you are going to see more and more severe penalties being applied for Class 1, 2, and 3 violations. We think we know who the few culprits are, and they're either going to stop testing us or we're going to help them find another occupation. Maybe they can find success on the television show "Who Wants to Be a Millionaire?" I don't care. And that's my final answer!



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## STANLEY

*(Continued from page 5)*

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the role of the Maddy Lab.

Each sample received from the CHRB for testing is subjected to an instrumental-based drug-testing program developed by the Maddy Lab personnel. Analytes detected by the screening tests are confirmed using validated methods performed on automated instruments by trained analysts. Finally, scientific experts verify the validity of positive chemical findings and assess their pharmacological significance. Upon completion of the tests, the Maddy Lab submits a certificate to both the CHRB executive director and the equine medical director, which states the drug name, sample ID number, and other relevant information. The certificate does not state the name of the horse nor the trainer, as this information is never available to the laboratory.

After receiving the certificate, CHRB supervising investigators confidentially notify the trainer and owner of the findings. With the exception of a few authorized medications, like phenylbutazone and furosemide (Lasix<sup>®</sup>), no medications are permitted to be administered within 48 hours of post time. The trainers are responsible for the care and condition of the horses in their custody, and thereby must be aware of all medications administered to horses in their stable. This is better understood as the "trainer insurer rule."

The CHRB complies with the Association of Racing Commissioners International Split Sample Model Rule. This rule provides that no announcement will be made of the positive results until after a Board-accredited secondary laboratory has confirmed the split sample. The rule also states that no action shall be taken against the trainer

should the second lab report the split-sample test negative. Most U.S. laboratories enthusiastically support the split-sample model rule, as it allows their findings to be confirmed by independent referees. Additional precautions used by the Board are prohibiting unauthorized personnel in the test barn, allowing the trainer/owner to witness sample collection and labeling, and ensuring that samples are handled and analyzed under strict chain-of-custody guidelines.

These measures are in place to protect the trainers and owners, who can help avoid some positive tests by better understanding that injectables are not the only source of prohibited substances. Drugs and medication may enter a horse's system through skin absorption as well as by mouth. Liniments, herbal supplements, and even contaminated feeds are potential sources of prohibited substances. Therefore, it is advisable to check with the official veterinarian when using new products on or around horses entered to race.

The use of illegal drugs simply isn't as widespread as some people believe. Despite all of the negative publicity generated by a few positive tests, the incidence of post-race findings is approximately 0.1%, or one for every 1,000 samples tested. While the number of violations appears low, our goal remains to reduce the number even further in order to protect the industry's integrity and boost the public's confidence.



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